

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**JACKELINE GONZALEZ,**

**Plaintiff,**

**V.**

**STATE FARM LLOYDS**

**Defendant.**

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**No.** \_\_\_\_\_

**JURY DEMAND**

**DEFENDANT STATE FARM LLOYDS' NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. §§ 1441 and 1446, State Farm Lloyds ("State Farm" or "Defendant") files this Notice of Removal to the United States District Court for the Northern District of Texas, Fort Worth Division, on the basis of diversity of citizenship and amount in controversy and respectfully shows:

**I.**

**FACTUAL AND PROCEDURAL BACKGROUND**

1. On January 27, 2015, Plaintiff Jackeline Gonzalez filed her Original Petition in the matter styled *Jackeline Gonzalez v. State Farm Lloyds*, Cause No. 352-276592-15, in the 352nd Judicial District Court in and for Tarrant County, Texas. The lawsuit arises out of a claim Plaintiff made for damages to her home under a homeowner's insurance policy with State Farm Lloyds.

2. Plaintiff served State Farm with a copy of the Original Petition on or about March 4, 2015.

3. State Farm files this notice of removal within 30 days of receiving Plaintiff's pleading. *See* 28 U.S.C. §1446(b). In addition, this Notice of Removal is being filed within one year of the commencement of this action.

4. All pleadings, process, orders, and other filings in the state court action are attached to this Notice as required by 28 U.S.C. §1446(a). A copy of this Notice is also concurrently being filed with the state court and served upon the Plaintiff.

5. As required by 28 U.S.C. § 1446(a) and Rule 81.1 of the Local Rules, simultaneously with the filing of this notice of removal, attached hereto as Exhibit "A" is an Index of State Court Documents, a copy of the Docket Sheet is attached as Exhibit "B," a copy of Plaintiff's Original Petition and Stipulation is attached as Exhibit "C," confirmation of the citation issued on State Farm Lloyds along with the Service Attempt #1 is attached as Exhibit "D," and a copy of State Farm Lloyds' Original Answers is attached as Exhibit "E."

6. Venue is proper in this Court under 28 U.S.C. §1441(a) because this district and division embrace Tarrant County, Texas, the place where the removed action has been pending and where the incident giving rise to this lawsuit took place.

## **II.**

### **BASIS FOR REMOVAL**

7. Removal is proper based on diversity of citizenship under 28 U.S.C. §§1332(a), 1441(a) and 1446.

#### **A. The Parties Are Of Diverse Citizenship**

8. Plaintiff is, and was at the time the lawsuit was filed, a resident and citizen of Texas. *See* Pl's Original Pet. ¶ 3.

9. Defendant State Farm is, and was at the time the lawsuit was filed, a citizen of the states of Illinois, Colorado and Pennsylvania. State Farm is a "Lloyd's Plan" organized under

Chapter 941 of the Texas Insurance Code. It consists of an association of underwriters, each of whom, at the time this action was commenced were, and still are, citizens and residents of the states of Illinois, Colorado and Pennsylvania. Therefore, State Farm is a citizen and resident of the states of Illinois, Colorado and Pennsylvania for diversity purposes. *Royal Ins. Co. v. Quinn-L Capital Corp.*, 3 F.3d 877, 882 (5th Cir. 1993); *Massey v. State Farm Lloyd's Ins. Co.*, 993 F. Supp. 568, 570 (S.D. Tex. 1998) ("the citizenship of State Farm Lloyds must be determined solely by the citizenship of its members, or underwriters."); *Rappaport v. State Farm Lloyd's*, 1998 WL 249211 (N.D. Tex. 1998) (finding that State Farm Lloyds is an unincorporated association whose members are completely diverse with Plaintiff, and denying remand).

10. Because Plaintiff is a citizen of Texas and Defendant State Farm is a citizen of Illinois, Colorado and Pennsylvania, complete diversity of citizenship exists among the parties.

**B. The Amount in Controversy Exceeds \$75,000.00**

11. This is a civil action in which the amount in controversy exceeds \$75,000.00. Plaintiff alleges that Defendant is liable under a residential insurance policy because Plaintiff made a claim under that policy and Defendant wrongfully adjusted and denied Plaintiff's claim. Specifically, but without limitation, Plaintiff alleges that Defendant breached the insurance policy number 58-NT-6826-9, with a Dwelling Limit of \$154,675.00, Dwelling Extension Limit of \$15,467.00, a Contents Limit of \$116,006.00, and an Additional Living Expense Limit of actual loss sustained for the property located at 226 E. Embercrest Dr., Arlington, TX 76018-1414 (the property giving rise to the present dispute). See Exhibit "F," Hamil Declaration, attached hereto and fully incorporated herein by reference.

12. In addition, Plaintiff's Original Petition alleges that Defendant is liable under various statutory and common law causes of action for actual damages, consequential damages,

statutory penalties, treble damages, exemplary damages, court costs, and attorney's fees. As such, Plaintiff's alleged damages greatly exceed \$75,000.00.

**Conclusion and Prayer**

13. All requirements are met for removal under 28 U.S.C. §§ 1332 and 1441. Accordingly, Defendant State Farm Lloyds hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Rhonda J. Thompson

Rhonda J. Thompson

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**COUNSEL FOR DEFENDANT**

**STATE FARM LLOYDS**

**CERTIFICATE OF SERVICE**

I hereby certify that on April 3, 2015, a true and correct copy of the foregoing has been forwarded to counsel of record in accordance with Rule 5(b)(2) Federal Rules of Civil Procedure:

**Via Facsimile and Certified Mail, RRR:**

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*/s/ Adrienne B. Hamil*

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